

**Baker & Hostetler LLP**  
45 Rockefeller Plaza  
New York, NY 10111  
Telephone: (212) 589-4200  
Facsimile: (212) 589-4201  
David J. Sheehan  
Kathryn M. Zunno  
Esterina Giuliani

*Attorneys for Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC and  
the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Adv. Pro. No. 08-01789 (SMB)

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

SIPA Liquidation

(Substantively Consolidated)

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Adv. Pro. No. 09-01305 (SMB)

Plaintiff,

v.

ALVIN J. DELAIRE, JR., *et al.*,

Defendants.

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL  
OF DEFENDANT ELIZABETH M. MOODY  
FROM ADVERSARY PROCEEDING WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa-*III*, and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and defendant Elizabeth M. Moody, by and through her counsel, Joseph F. Keenan (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On June 22, 2009, the Trustee commenced this adversary proceeding (the “Adversary Proceeding”) against, among others, Elizabeth M. Moody by filing his original complaint (ECF No. 1).
2. On October 8, 2009, the Trustee filed his First Amended Complaint (the “Complaint”) in the Adversary Proceeding against, among others, Elizabeth M. Moody (ECF No. 82).
3. After the disposition of proceedings on motions to withdraw the reference and motions to dismiss the Complaint in whole or in part, defendant Elizabeth M. Moody filed an answer to the Complaint on May 15, 2015 (ECF No. 321).
4. Pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 (Case No. 08-01789, Dkt. No. 3181), the Parties entered into a settlement agreement.
5. In accordance with Federal Rule of Bankruptcy Procedure 7041 and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal with prejudice of all of the Trustee’s claims against defendant Elizabeth M. Moody in the Adversary Proceeding.
6. The provisions of this Stipulation shall be binding upon and shall inure to the

benefit of the Parties and their respective estates, personal representatives, executors, administrators, heirs, successors and assigns, and upon all creditors and parties in interest.

7. This Stipulation may be signed by the Parties, through their counsel, in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

8. Upon the dismissal of defendant Elizabeth M. Moody, the caption of the Adversary Proceeding is hereby amended to delete defendant Elizabeth M. Moody from the caption. The amended caption shall appear as indicated in Exhibit A to this Stipulation.

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Dated: January 4, 2017  
New York, New York

**BAKER HOSTETLER LLP**

By: /s/ Esterina Giuliani  
Esterina Giuliani  
45 Rockefeller Plaza  
New York, New York 10111  
Telephone: 212.589.4200  
Facsimile: 212.589.4201  
Email: egiuliani@bakerlaw.com  
David J. Sheehan  
Email: dsheehan@bakerlaw.com  
Kathryn M. Zunno  
Email: kzunno@bakerlaw.com

*Attorneys for Plaintiff Irving H. Picard,  
Trustee for the Substantively Consolidated  
SIPA Liquidation of Bernard L. Madoff  
Investment Securities LLC and the estate  
of Bernard L. Madoff*

**LAW OFFICES OF  
JOSEPH F. KEENAN**

By: /s/ Joseph F. Keenan  
Joseph F. Keenan  
114-04 Beach Channel Drive  
Suite 9  
Rockaway Park, NY 11694  
Telephone: 718.747.8850  
Email: jfkeenan@joekeenanlaw.com

*Attorney for Defendant Elizabeth M.  
Moody*

**SO ORDERED** this 4<sup>th</sup> day of January 2017.

/s/ STUART M. BERNSTEIN  
HONORABLE STUART M. BERNSTEIN  
United States Bankruptcy Judge